IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

WRIT PETITION NO. 3010 OF 2005 .

Nirmala Kandhari ... Petitioner.

V/s.

M/s Audikiya & Sons ... Respondents.

Shri R.M. Nakhwa i/b V.B. Dhawan for the petitioner.

Shri Rajendra Sorankar for respondent No.1.

Shri K.R. Belosay for respondent Nos. 3 & 4.

CORAM : V.C.DAGA, J.

DATED : 16.1.2006.

P.C. :

. Heard.

. Rule returnable forthwith by consent of parties.

. The impugned order challenges the order dated 20.7.2005 whereby application for condonation of delay came to be rejected by the State Government, without giving an opportunity of personal hearing to the petitioner and also without recording any reasons in support thereof.

. The learned AGP appearing for the State tried to support the impugned order however he could not take his submission to the logical end.

. Needless to mention that the order should be

self explanatory and should not keep the higher Court guessing for reasons. Reasons provide link between conclusion and evidence.It is a tool for judging the validity of the order. Reason is a manifistation of the mind of the decision maker.

. In the above view of the matter, the impugned order is set aside being in brach of principles of natural justice . The proceedings are remitted back to the State Government for re-hearing on the application for condonation of delay and for decision in accordance with law with a reasoned order. Matter should be decided as expeditiouly as possible, at any rate within 8 weeks from the date of receipt of copy of this order. All contentions are kept open.

. Learned Counsel for respondent No.1 makes a statement that until application for condonation is decided by the State Government,no steps will be taken and no overtact shall be resorted to; so far as matter in dispute is concerned. The statement made in this behalf is taken on record.

. In the result,Rule is made absolute in terms of this order with no orde as to costs.